IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

TOMMY TENHUNDFELD,	:	APPEAL NO. C-110518 TRIAL NO. A-1001350
Plaintiff-Appellant,	:	*JUDGMENT ENTRY.*
vs.	:	
MICHELLE'S BAR LLC,	:	
RYAN BOTT,	:	
and	:	
JEROMY BOOTH,	:	
Defendants-Appellees,	:	
and	:	
COREY MANN,	:	
and	:	
JAMES MANN,	:	
Defendants.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Plaintiff-appellant Tommy Tenhundfeld appeals a judgment of the Hamilton County Court of Common Pleas granting summary judgment in favor of defendants-appellees, Michelle's Bar LLC, Ryan Bott, and Jeromy Booth. But we cannot reach the merits of Tenhundfeld's sole assignment of error because no final, appealable order exists.

An order is final only if it meets the requirements of both R.C. 2505.02 and Civ.R. 54(B), if applicable. *Nobel v. Colwell*, 44 Ohio St.3d 92, 540 N.E.2d 1381 (1989), syllabus; *Icon Constr., Inc. v. Statman, Harris, Seigel Eyrich, LLC*, 1st Dist. No. C-090458, 2010-Ohio-2457, ¶ 7. Civ. R. 54(B) applies if the judgment appealed from adjudicates one or more but fewer than all of the claims or the rights and liabilities of fewer than all of the parties. *Noble* at syllabus; *Wiley v. Good Samaritan Hosp.*, 1st Dist. Nos. C-030131 and C-030181, 2004-Ohio-763, ¶ 18.

Civ.R. 54(B) requires the trial court to make an express determination that "there is no just reason for delay" before it can enter a final judgment. *Noble* at 96; *State ex rel. Dann v. Naypaver*, 11th Dist. No. 2007-T-0125, 2008-Ohio-1659, ¶ 5; *Ramudit v. Fifth Third Bank*, 1st Dist. No. C-030941, 2005-Ohio-374, ¶ 23, *amended on other grounds* by *Ramudit v. Fifth Third Bank*, 1st Dist. No. C-030941, 2005-Ohio-978. The rule's general purpose is to "accommodate the strong policy against piecemeal litigation with the possible injustice of delayed appeals in special situations." *Noble* at 96; *Ramudit* at ¶ 23.

In this case, the judgment only resolved the claims against Michelle's Bar, and its employees, Bott and Booth. But the complaint also named Corey and James Mann as defendants. Both were eventually served, James by certified mail and Corey by ordinary mail. Corey filed a handwritten pro se document in response. James never appeared, and the trial court never ruled on a motion for a default judgment against him.

Thus, the claims against the Manns were still unresolved. The trial court did not make the determination that "there is no just reason for delay" or include the appropriate language in the judgment entry. Since the judgment from which Tenhundfeld has appealed did not meet the requirements of Civ.R. 54(B), it is not a

final, appealable order. Consequently, we are without jurisdiction to entertain the appeal, and we, therefore, dismiss it. *State ex rel. A & D Ltd. Partnership v. Keefe*, 77 Ohio St.3d 50, 52, 1996-Ohio-95, 671 N.E.2d 13; *Gen. Acc. Ins. Co. v. Ins. Co. of N. America*, 44 Ohio St.3d 17, 19, 540 N.E.2d 266 (1989); *Dater v. Charles H. Dater Found., Inc.*, 166 Ohio App.3d 839, 2006-Ohio-2479, 853 N.E.2d 699 (1st Dist.), ¶ 20.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., HENDON and **DINKELACKER, JJ.**

To the clerk:

Enter upon the journal of the court on April 25, 2012

per order of the court _____.

Presiding Judge